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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stephen A. Terrile
HAMILTON & TERRILE, LLP
PO Box 203518
Austin, TX 78720

EXAMINER	
CARTER, CANDICE D	
ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/697,739	WHITE ET AL.	
	Examiner	Art Unit	
	CANDICE D. CARTER	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/30/2008* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/2/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The Following is a Final Office Action in response to communications received on 2/14/2008. Claims 1, 10, and 19 have been amended. No claims have been added. No claims have been cancelled. Therefore, claims 1-27 are pending and have been addressed below.

Response to Amendment

2. Applicant has amended claims 1, 10, and 19 to overcome the 35 U.S.C. 112 first paragraph rejections. Examiner withdraws the previous 35 U.S.C. 112 first paragraph rejection with respect to these claims and all depending claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has amended claims 1, and 10 to include the steps of “verifying the solution based upon the indicating a successful resolution", and “means for verifying the solution based upon the indicating a successful resolution”, respectively . There is no support in the originally filed specification for the newly added limitations.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 6, 9 - 11, 15, 18 - 20, 24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Buffalo et al. US 6,957,257 (hereinafter referred to as Buffalo).

With respect to claims 1, 10 and 19, Buffalo discloses a method, apparatus and system for verifying solution provided by a solution network (testing to determine whether problem has been fixed, See Abstract)

automatically associating a call from a customer with a solution that is provide to the customer to solve an issue (a ticket is generated regarding a customer repair request, C4 L19-27)

waiting a predetermined amount of time to verify whether the customer contacts the solution network again (once a problem has been resolved, the e-maintenance system waits 24hours to close a ticket out if unable to contact customer, C6 L25-36, thereby giving the customer time to contact the system); and

indicating a successful resolution to the issue if no contact is made by the customer within the predetermined amount of time (inherently disclosed as the reference provides that the tickets are placed in queue to be closed out in 24 hours if no response is received from the customer, C6 L25-36, and close out of

a ticket is interpreted to be synonymous with a determination of successful resolution of the issue, C6 L37-40).

verifying the solution based upon the indicating a successful solution (C5 L1-5 discloses that the automatic verification program may be utilized to run tests to determine if an access provider has fixed the problem that is being reported as cleared).

With respect to claims 2, 11 and 20, Buffalo discloses the waiting is based on customer experience metrics (interpreted to be the waiting period of 24 hours disclosed by the reference, C6 L25-36).

With respect to claims 6, 15 and 24, Buffalo discloses if the customer contacts the solution network within the predetermined amount of time on the issue, then indicating an unsuccessful resolution to the issue by the solution (interpreted to be the teaching that if the e-maintenance system is unable to communicate with the person, the ticket is placed in a 24 hour queue for closing and one skilled in the art would recognize that a any contact by a customer during the predetermined amount of time would be indicate that the problem had not been solved, C6 L25-36).

With respect to claims 9, 18 and 27, Buffalo discloses wherein the issue relates to information handling systems (reference relates automatic customer service maintenance in a communications network, C1 L5-11).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 3-5, 12-4, 21-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Buffalo as applied to claims 1, 10, and 19 above, and further in view Heckerman et al. US 5,715,374 (hereinafter referred to as "Heckerman").

With respect to claims 3, 12 and 21, Heckerman discloses a method, system and implicitly an apparatus (see abstract) wherein the indicating a successful resolution include incrementing a counter corresponding to the solution to indicate a successful solution (the reference discloses a belief network in a case based reasoning network, where probabilities of success of a solution are updated after the solving of each problem utilizing the solution, C17 L24-33, see also Fig. 12 and C16 L37-49).

With respect to claims 4, 13 and 22, Heckerman discloses a method, system and implicitly an apparatus (see abstract) further comprising scoring a

solution based upon successful resolution of the issue; and wherein a higher score for a solution indicates a more successful solution (users are provided the option of selecting whether the issue was fixed by the recommended repair, and indicates whether each resolution was successful, C15 L20-27; and Fig. 10B, specifically 1018, 1022 and 1020).

With respect to claims 5, 14 and 23, Heckerman discloses a method, system and implicitly an apparatus (see abstract) wherein when a solution is indicated as a more successful solution, the solution is presented to a customer high on a list of available solutions (resolutions are listed in order of likelihood that each resolution will solved the current problem, C5 L39-46).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the ranking and scoring of solutions of Heckerman with the disclosure in Buffalo in order to provide a more useful and efficient method of solving problems for a user. In addition, Heckerman provides motivation for the combination of the two references by teaching that application of decision-support systems includes troubleshooting computer networks, customer service or other systems where a decision is based up identifiable criteria (C1 L20-24).

8. **Claims 7, 8, 16, 17, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buffalo as applied to claims 1,6, 10, 15, 19 and 24 above, and further in view of Sullivan et al. Us 6,615,240 (hereinafter referred to as "Sullivan").**

With respect to claims 7, 16 and 25, Sullivan discloses a method and implicitly a system and an apparatus (see abstract) wherein if the solution is indicated as unsuccessful, then escalating the solution into a correction workflow (in the situation where self-help has not succeeded satisfactorily and escalation to a support center is necessary, C2 L37-42, the support center is interpreted by the examiner to be synonymous with a correction workflow).

With respect to claims 8, 17 and 26, Sullivan discloses a method and implicitly a system and an apparatus (see abstract) wherein when the solution is escalated into a correction workflow, a product specialist reviews the solution for any needed correction (a user may first attempt self-help and then escalate to seek live-help from a technical support engineer, C5 L1-4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the escalation procedures of Sullivan with the disclosure in Buffalo in order to provide a more useful and efficient method of solving problems for a user. In addition, Sullivan provides motivation for the combination of the two references by teaching that the disclosure relates to automated customer support and service in a distributed computer environment (C1 L11-15).

Response to Arguments

9. Applicant's arguments filed February 14, 2008 have been fully considered but they are not persuasive.

In response to arguments in reference to claims 1, 10, and 19, Examiner respectfully disagrees. Applicant argues that Buffalo does not disclose or

suggest indicating a successful resolution to an issue if no contact is made by a customer within a predetermined amount of time. Buffalo, however, discloses closing out a ticket upon successful repair of the problem as shown in Fig. 1, element 112 and C4 L48-51. Therefore, the closing out of a ticket signifies a successful resolution of the problem. That being the case, if a ticket is placed in queue to be closed out automatically in 24 hours as disclosed in C6 L25-36 then the mere act of closing out a ticket would suggest and indicate that there has been a successful resolution to the problem.

In response to arguments in reference to claims 2-9, 11-18, and 20-27, all rejections made towards the dependent claims are maintained due to the lack of a reply by the applicant in regards to distinctly and specifically point out the supposed errors in the examiner's action in the prior Office Action (37 CFR 1.111). The Examiner asserts that the applicant only argues that the dependent claims should be allowable because the independent claims are unobvious and patentable over Buffalo.

In response to arguments in reference to claims 3-5, 12-14, and 21-23, all rejections made towards these claims are maintained due to Applicant's failure to distinctly point out the supposed errors in the examiner's action in the prior Office Action (37 CFR 1.111).

In response to arguments in reference to claims 7, 8, 16, 17, 25, and 26, all rejections made towards these claims are maintained due to Applicant's failure to distinctly point out the supposed errors in the examiner's action in the prior Office Action (37 CFR 1.111).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday thru Thursday 7:30am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CDC

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629